

**CLAIM REJECTION UNDER 35 U.S.C. § 102(B)**

Claims 5-7 remain rejected under 35 U.S.C. § 102(b) as being anticipated by Heider (U.S. Patent 4,429,342).

Independent claim 5 of the instant application sets forth a combination of limitations including a control device of a switchgear drive, with the drive-specific switching parameters "...including at least one of a contact speed, a contact path and a flux." Applicants respectfully submit, for at least this indicated limitation, that independent claim 5 is allowable over the patent document relied upon by the Examiner.

Turning now to Heider, the disclosure therein teaches an armature 4 having a position sensing means 12, which is a photoelectric switch with a light beam that is interrupted by a guide portion 6 of the armature 4 (Fig. 5; and col. 5, lines 5-9).

When the armature 4 is placed in motion, a timer element 37 of an armature control means 36 begins operation. At the moment the armature 4 passes out of the sensing path of the position sensor 12, a rectangular pulse is generated where a trailing edge thereof stops the timer element 37. This timer element 37 supplies a timer value to a comparative control means 36, which compares the determined value with a predetermined time stored in a memory 38 (emphasis added). Using this comparison, an excitation current to a coil 3 is dictated.

Therefore, Applicants respectfully submit that the device according to Heider indeed bases coil excitation based upon time, as opposed to a contact path as is asserted by the Examiner (emphasis added). The Examiner is respectfully requested to refer to col. 8, lines 6-34 for the specific disclosure discussed immediately heretofore.

In view of the above discussion, Applicants respectfully submit that independent claim 5 of the instant application is allowable over the patent document relied upon by the Examiner.

However, should the Examiner need further clarification of the instant claimed invention, he is invited to contact the undersigned.

With regard to the rejected dependent claims, Applicants respectfully submit that these claims are allowable due to their dependency upon an allowable independent claim, as well as for additional limitations set forth by these claims.

**CONCLUSION**

Accordingly, in view of the above remarks, reconsideration of the rejection and allowance of each of claims 5-7 in connection with the present application are earnestly solicited.

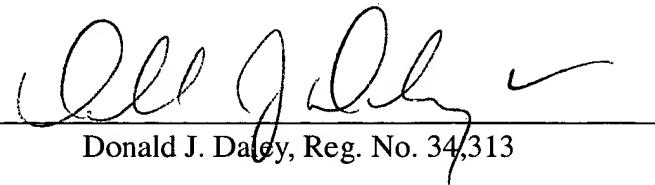
In the event there are any matters remaining in this application, the Examiner is invited to contact Mr. Tim Wyckoff, Registration No. 46,175 at (703) 390-3030 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
Donald J. Daley, Reg. No. 34,313

P.O. Box 8910  
Reston, Virginia 20195  
(703) 390-3030

DJD/TRW:kna